UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,819	08/06/2003	Curtis Reese	200206815-1	7699

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EXAMINER
KAU, STEVEN Y

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
01/24/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the Applicant's Amendment filed on November 8,

2007.

Claims 21-45 have been cancelled, and claims 1-20 are currently pending.

Response to Amendment

2.   Applicant's arguments, "Claim Rejections Under 35 U.S.C. § 112", Page 7-9, filed

November 8, 2007, with respect to claims 1, 6, 12 and 17 have been fully considered

and are persuasive. The rejection of claims 1, 6, 12 and 17 under 35 U.S.C. § 112

Second Paragraph has been withdrawn from the record.

Applicant's arguments, "Claim Rejections Under 35 U.S.C. § 101", Page 9-15,

filed November 8, 2007, with respect to claims 1-5 and 17-20 have been fully

considered and are persuasive. In addition, claims 1-5 and 17-20 have been amended

to satisfy the statutory requirements of 35 U.S.C. § 101. The rejection of claims 1-5 and

17-20 under 35 U.S.C. § 101 has been withdrawn from the record.

Applicant's arguments filed on November 8, 2007 have been fully considered but

are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Davis et al (Davis) (US 2002/0001395) in view of LeMole et al (LeMole) (US 6,009,410)

and further in view of Huang et al (Huang) (US 2002/0054680).

With regard to claim 1, Davis discloses a computer system (Figs. 3 and 4),

comprising: an image database (Figure 1, col 5, lines 37-42) stored on a computer-

readable medium (e.g. hard-drive of a Metadata Server of Fig. 4), wherein the computer

system is adapted to embed a steganographic watermark (a steganographic watermark

can be encoded in either a camera or an external device (of a camera) like the

metadata server of Figs 3 & 4, Para. 0025 and Para 0092 to Para 0099).

Davis 'differs from With regard to claim 1, in that he does not teach a database of

one or more advertising images, and each image having a plurality of associated layers

of metadata, and to embed each associated layer of metadata in a separate sub-

watermark of a steganographic watermark.

LeMole teaches an image database of one or more advertising images {e.g. a

person of ordinary skill in the art understands that a customized advertising repository

server must store a plurality of advertising images as shown in Fig. 2} (Figs. 1 & 2, col

1, lines 57 through col 2, line 46, and col 3, lines 66 through col 4, line 35).

Huang teaches each image having a plurality of associated layers of metadata

(Figs 1 and 4, Para 47), and to embed each associated layer of metadata in a separate

sub-watermark of a steganographic watermark (Fig. 1, Paras 24 and 25, "Watermark

layers are superposed on each other to provide multiple layers and categories of protection"; a person of ordinary skill in the art understands that each watermarked layer is a separate sub-watermark of a steganographic watermark, and a steganographic watermark is an encoded data by a steganographic embedder as taught by Davis, Paras 25 and 37.)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Davis to include a database of one or more advertising images taught by LeMole to promote business opportunity to consumers (col 2, lines 47-55, LeMole); and then to have modified Davis to include each image having a plurality of associated layers of metadata, and to embed each associated layer of metadata in a separate sub-watermark of a steganographic watermark taught by Huang to protect documents from counterfeit and forgery (Par. 0010, Huang).

With regard to claim 2, Davis discloses the database is adapted to associate the layers of metadata with each image dynamically {e.g. user can specify data type, friendly user interface, powerful application for searching metadata across different imaging application, etc} (Par. 0028, 0151 & 0196).

With regard to claim 3, Davis differs from claim 3, in that he does not teach the layers of metadata with one or more images in response to one of a user ID of the image requester, a location input, a business relationship characteristic of the image requester, a promotion type input, and a language input.

Huang teaches the layers of metadata (Figs 1 & 4, Para 47).

LeMole teaches one or more images in response to one of a user ID of the image requester, a location input, a business relationship characteristic of the image requester, a promotion type input, and a language input {e.g. commercial advertising must include business relationship, promotion and language input; a URL address identifies a location input, customized advertising must include a user ID of the image for advertising} (col 1, lines 57-67, col 2, lines 1-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Davis to include layers of metadata taught by Huang to protect documents from counterfeit and forgery (Par. 0010, Huang); and then to have modified Davis to include one or more images in response to one of a user ID of the image requester, a location input, a business relationship characteristic of the image requester, a promotion type input, and a language input taught by LeMole to promote business opportunity to consumers (col 2, lines 47-55, LeMole).

With regard to claim 4, Davis teaches the database is adapted to selectively update the images and/or associated layers of metadata in response to vendor input {e.g. vendor transaction, service providing, etc.} (Par. 0174).

With regard to claim 5, Davis teaches the database is adapted to search the images and/or associated layers of metadata in response to one of a query input by a user, a user ID of the image requester, a location, a business relationship, a promotion type, and a language input (Par. 0151).

With regard to claims 6, 12 and 17, recite identical features as claim 1, except claims 6 and 12 are method claims, and claim 17 is a computer-readable medium claim.

Thus, arguments similar to that presented above for claim 1 are also equally applicable to claims 6, 12 and 17.

With regard to claim 7, Davis does not expressly teach wherein selecting an advertising image further comprises selecting an advertising image in response to a query by one of an advertiser and a publisher.

LeMole teaches selecting an advertising image in response to a query by one of an advertiser and a publisher {e.g. a user (publisher or advertiser) can retrieve images from an advertising repository dynamically} (col 3, lines 66-67 & col 4, lines 1-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Davis to include selecting an advertising image further comprises selecting an advertising image in response to a query by one of an advertiser and a publisher taught by LeMole to promote business opportunity to consumers (col 2, lines 47-55).

With regard to claim 8, Davis does not expressly teach wherein selecting two or more layers of metadata associated with the selected image further comprises selecting two or more pre-generated layers of metadata associated with the selected image.

Huang teaches wherein selecting two or more layers of metadata associated with the selected image further comprises selecting two or more pre-generated layers of metadata associated with the selected image (Figs 1 and 4, Para 47, and Paras 24 & 25, Huang teaches and suggests a multiple watermark layered structure and each watermark layer of a repetitive structure array of dots. A person of ordinary skill in the

art can derive sub-watermark layers from pre-generated watermark layers as taught in Huang's disclosure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Davis to include selecting two or more layers of metadata associated with the selected image further comprises selecting two or more pre-generated layers of metadata associated with the selected image taught by Huang to protect documents from counterfeit and forgery (Par. 0010, Huang).

With regard to claim 9, Davis does not expressly teach wherein selecting two or more layers of metadata associated with the selected image further comprises selecting two or more dynamically generated layers of metadata.

Huang teaches wherein selecting two or more layers of metadata associated with the selected image further comprises selecting two or more dynamically generated layers of metadata (Figs 1 and 4, Para 47, and Paras 24 & 25, Huang teaches and suggests a multiple watermark layered structure and each watermark layer of a repetitive structure array of dots. A person of ordinary skill in the art can dynamically generate sub-watermark layers of metadata as taught in Huang's disclosure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Davis to include selecting two or more layers of metadata associated with the selected image further comprises selecting two or more dynamically generated layers of metadata taught by Huang to protect documents from counterfeit and forgery (Par. 0010, Huang).

With regard to claim 10, Davis does not expressly teach selecting two or more

dynamically generated layers of metadata utilizing one of a user ID of an image

requestor, a location input, a business relationship characteristic of an image requestor,

a promotion type, and a language type.

Huang teaches selecting two or more dynamically generated layers of metadata

(Fig. 1 & 4, Para 47, 24 & 25).

LeMole teaches utilizing one of a user ID of an image requestor, a location input,

a business relationship characteristic of an image requester, a promotion type, and a

language type {e.g. commercial advertising must include business relationship,

promotion and language input; a URL address identifies a location input, customized

advertising must include a user ID of the image for advertising} (col 1, lines 57-67, col 2,

lines 1-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to have modified Davis to include selecting two or more

dynamically generated layers of metadata taught by Huang to protect documents from

counterfeit and forgery (Par. 0010, Huang); and then to have modified Davis to include

utilizing one of a user ID of an image requestor, a location input, a business relationship

characteristic of an image requestor, a promotion type, and a language type taught by

LeMole to promote business opportunity to consumers (col 2, lines 47-55, LeMole).

With regard to claim 11, Davis does not expressly teach updating the selected

advertising image and two or more layers of metadata in the database utilizing input

from a vendor.

LeMole teaches updating the selected advertising image and two or more layers of metadata in the database utilizing input from a vendor (col 2, lines 47-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Davis to include updating the selected advertising image and two or more layers of metadata in the database utilizing input from a vendor taught by LeMole to promote business opportunity to consumers (col 2, lines 47-55).

With regard to claim 13, the structure elements of method claim 8 perform all steps of method claim 13. Thus claim 13 is rejected under 103(a) for the same reason discussed in the rejection of claim 8.

With regard to claim 14, the structure elements of method claim 9 perform all steps of method claim 14. Thus claim 14 is rejected under 103(a) for the same reason discussed in the rejection of claim 8.

With regard to claim 15, the structure elements of method claim 10 perform all steps of method claim 15. Thus claim 15 is rejected under 103(a) for the same reason discussed in the rejection of claim 8.

With regard to claim 16, the structure elements of method claim 11 perform all steps of method claim 16. Thus claim 16 is rejected under 103(a) for the same reason discussed in the rejection of claim 8.

With regard to claim 18, Davis does not expressly teach selecting an advertising image from a database.

LeMole teaches selecting an advertising image from a database (col 2, lines 47-55 & col 6, lines 2-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Davis to include selecting an advertising image from a database taught by LeMole to promote business opportunity to consumers (col 2, lines 47-55).

With regard to claim 19, the structure elements of method claim 8 perform all steps of computer-usable medium claim 19. Thus claim 19 is rejected under 103(a) for the same reason discussed in the rejection of claim 8.

With regard to claim 20, the structure elements of method claim 9 perform all steps of computer-usable medium claim 20. Thus claim 20 is rejected under 103(a) for the same reason discussed in the rejection of claim 9.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
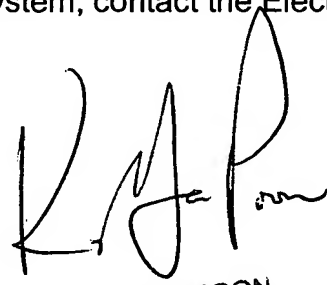
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Kau whose telephone number is 571-270-1120 and fax number is 571-270-2120. The examiner can normally be reached on Monday to Friday, from 8:30 am -5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Kau
Patent Examiner
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January 11, 2008

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